

## **REMARKS**

Applicant appreciates the Examiner's attention to the above referenced application. Reconsideration of the application is respectfully requested. Claims 1-27 were rejected. Claims 1, 12, 17, and 24 have been amended, and claims 2 and 18 have been canceled. Claims 1, 3-17, and 19-27 are now pending, of which claims 1, 8, 12, 17, and 24 are independent.

### **35 USC § 103 Rejection of the Claims**

Claims 1-27 were rejected under 35 USC § 103(a) as being unpatentable over Morohashi (U.S. Patent No: 7,130,251) in view of Meyers (U.S. Patent No: 7,496,947). Applicant respectfully traverses this rejection, which should be withdrawn for at least the reasons set forth herein.

Amended independent claim 1 is recited below:

1. A method comprising:
  - creating a play list;
  - occasionally connecting a portable device of a user to a network;
  - submitting the play list to a multimedia content provider through the network, wherein the multimedia content provider gathers multimedia content specified in the play list;
  - downloading the multimedia content to a multimedia content cache in the portable device;
  - disconnecting the portable device from the network;
  - playing the multimedia content on the portable device;
  - recording feedback from the user about the multimedia content specified in the play list, wherein the feedback is recorded on the portable device and the feedback comprises a plurality of ratings, each rating of the plurality of ratings corresponding to a respective title of the multimedia content specified in the play list;
  - uploading the feedback from the portable device to the multimedia content provider when connected to the network, wherein the multimedia content provider uses the plurality of ratings to provide recommended multimedia content to the user; and
  - selectively downloading the recommended multimedia content to the multimedia content cache in the portable device, wherein creating the play list comprises:
    - creating an initial play list based on at least one of the following: specifications by the user, a play list pre-defined by the user, and a play list pre-determined by the multimedia content provider;
    - expanding the initial play list by recommending to the user additional content unrelated to preferences of the user; and
    - refining the expanded initial play list based on the feedback.

The limitation “expanding the initial play list by recommending to the user additional content unrelated to preferences of the user” originally appeared in now-canceled claim 2. In the rejection of claim 2, the Office Action dated October 26, 2010 states that Meyers, column 4, lines 26-30 teaches this limitation. This excerpt of Meyers is repeated below:

A rating system that cross-correlates the preferences of different users is provided by the server. This rating system looks for patterns in the musical preferences of different users and suggests to the user music that he might like, based on the preferences of users with similar profiles.

Applicant respectfully submits that Meyers does not teach “recommending to the user additional content unrelated to preferences of the user.” Instead, Meyers bases its cross-correlation on patterns of musical preferences of the users, thereby taking into account the preferences of the user to whom the suggestion is made. As a result, all limitations of independent claim 1 are not taught by the combination of Morohashi and Meyers, and independent claim 1 and its dependent claims 3-7 are allowable. Applicant respectfully requests that independent claim 1 and its dependent claims 3-7 be allowed to pass to issuance.

Each of independent claims 8, 12, 17, and 24 either included, or has been amended to include, a limitation related to “recommending to the user additional content unrelated to preferences of the user.” For the same reason set forth above that independent claim 1 is allowable, independent claims 8, 12, 17, and 24 also are allowable. Applicant respectfully requests that independent claims 8, 12, 17, and 24 and their respective dependent claims 9-11, 13-16, 19-23, and 25-27 be allowed to pass to issuance.

**CONCLUSION**

Applicant respectfully requests reconsideration in view of the remarks and amendments set forth above. If the Examiner has any questions, the Examiner is encouraged to contact the undersigned at (512) 732-1303. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0221 and please credit any excess fees to such account.

Respectfully submitted,

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